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[P r i c e 1 s .]

18

ADDITIONS

CORRECTIONS

THE FORMER EDITIONS



HISTORICAL

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[Price 4s.]

P R E F A C E
TO THE

ELEVENTH EDITION.

IT is now twenty-eight years since I published the History of Scotland. During that time I have been favoured by my friends with several remarks upon it; and various strictures have been made by persons, who entertained sentiments different from mine, with respect to the transactions in the reign of Queen Mary. From whatever quarter information came, in whatever mode it has been communicated, I have considered it calmly and with attention. Wherever I perceived that I had erred, either in relating events, or in delineating characters, I have, without hesitation, corrected those errors. Wherever I am satisfied that my original ideas were just and well-founded, I adhere to them; and resting upon their conformity to evidence already produced, I enter into no discussion or controversy in order to support them. Wherever the opportunity of consulting original papers,

P R E F A C E.

either in print or in manuscript, to which I had not formerly access, has enabled me to throw new light upon any part of the History, I have made alterations and additions, which, I flatter myself, will be found to be of some importance.

COLLEGE OF EDINBURGH,

MARCH 5th, 1787.

I T is now twenty-eight years since I published the History of Scotland. During that time I have been favoured by my friends with several remarks upon it; and various suggestions have been made by persons who entertained sentiments different from mine with respect to the translations in the reign of Queen Mary. I am whatever quarter information came, in whatever mode it has been communicated, I have considered it calmly and with attention. Whatever I perceived that I had erred, either in relating events, or in delineating characters, I have, without hesitation, corrected those errors. Whatever I am satisfied that my original ideas were just and well-founded, I adhere to them; and resting upon their conformity to evidence already produced, I enter into no discussion or controversy in order to support them. Whatever the opportunity of consulting original papers, either

ADDITIONS AND CORRECTIONS

TO

THE FORMER EDITIONS

OF

Dr. ROBERTSON'S HISTORY OF SCOTLAND.

[*These Additions refer to the OCTAVO EDITION
printed in 1781.*]

VOL. I. Page 101, line ult. after the word *dis-*
regard, add,

ARASH measure of the king of England added greatly to the violence of this national animosity. The Scots, relying on the treaty of marriage and union, fitted out several ships for France, with which their trade had been interrupted for some time. These were driven by stress of weather to take refuge in different ports of England; and Henry, under pretext that they were carrying provisions to a kingdom with which he was at war, ordered them to be seized and condemned as lawful prizes*. The Scots, astonished at this proceeding of a Prince, whose in-

* Keith, 32. 34. Epist. Reg. Scot. ii. App. 311.
Hamilton MSS. vol. 389.

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terest it was manifestly, at that juncture, to court and to sooth them, felt it not only as an injury, but as an insult, and expressed all the resentment natural to an high-spirited people *.

* In the MSS. Collection of Papers belonging to the Duke of Hamilton, Sir Ralph Sadler describes the spirit of the Scots as extremely outrageous. In his letter from Edinburgh, September 1, 1543: "The stay of the ships has brought the people of this town, both men and women, and especially the merchants, into such a rage and fury, that the whole town is commoved against me, and swear great oaths, that if their ships are not restored, that they would have their amends of me and mine, and that they would set my house here on fire over my head, so that one of us should not escape alive; and also it hath much incensed and provoked the people against the Governor, saying, that he hath coloured a peace with your Majesty only to undo them. This is the unreasonableness of the people which live here in such a beastly liberty, that they neither regard God nor Governor; nor yet justice, or any good policy, doth take place among them; assuring your Highness that, unless the ships be delivered, there will be none abiding here for me without danger." Vol. 451. In his letter of September 5, he writes, that the rage of the people still continued so violent, "that neither I nor any of my folks dare go out of my doors; and the Provost of the town, who hath much ado to stay them from assaulting me in my house, and keepeth watch therefore nightly, hath sent to me sundry times, and prayed me to keep myself and my folks within, for it is scant in his power to repress or resist the fury of the people. They say plainly, I shall never pass out of the town alive, except they have their ships restored. This is the rage and beastliness of this nation, which God keep all honest men from." lb. 471.

VOL. I. Page 143, line 10, after judges, add the following Note:

HOW far this claim of the clergy to exemption from lay-jurisdiction extended, appears from a remarkable transaction in the parliament held in 1546. When that court was proceeding to the forfeiture of the murderers of Cardinal Beatoun, and were about to include a priest, who was one of the assassins, in the general sentence of condemnation, odious as the crime was to Ecclesiastics, a delegate appeared in their name, and *repledged* or claimed exemption of him from the judgment of Parliament, *as a spiritual man*. This claim was sustained; and his name is not inserted in the Act of Forfeiture. Epist. Reg. Scot. ii. 350. 361.

VOL. I. Page 159, line 19, after explain, add the following Note:

AS far as I can judge, the husband of the Queen, by the grant of the *Crown Matrimonial*, acquired a right to assume the title of King, to have his name stamped upon the current coin, and to sign all public instruments together with the Queen. In consequence of this, the subjects took an oath of fidelity to him. Keith, Append. 20. His authority became, in some measure, co-ordinate with that of the Queen; and without his concurrence, manifested by signing his name, no public deed seems to have been

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considered as valid. By the oath of fidelity of the Scottish Commissioners to the Dauphin, it is evident that, in their opinion, the rights belonging to the *Crown Matrimonial* subsisted only during the continuance of the marriage. Keith, Append. 20. But the conspirators against Rizio bound themselves to procure a grant of the *Crown Matrimonial* to Darnley during all the days of his life. Keith, Append. 120. Good. i. 227.

VOL. I. Page 248, line 5, instead of the paragraph, beginning *As the vices, &c. and ending countrymen, insert what follows:*

THE licentious lives of the clergy, as has been already observed, seem to have been among the first things that excited any suspicion concerning the truth of the doctrines which they taught, and roused that spirit of inquiry which proved fatal to the Popish system. As this disgust at the vices of ecclesiastics was soon transferred to their persons, and shifting from them, by no violent transition, settled at last upon the offices which they enjoyed; the effects of the Reformation would naturally have extended not only to the doctrine, but to the form of government in the Popish church; and the same spirit which abolished the former, would have overturned the latter. But in the arrangements which took place in the different kingdoms and states of Europe in consequence of the Reformation, we may observe something similar to what happened upon the

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the first establishment of Christianity in the Roman Empire. In both periods the form of ecclesiastical policy was modelled, in some measure, upon that of the civil government. When the Christian church was patronized and established by the state, the jurisdiction of the various orders of ecclesiastics, distinguished by the names of Patriarchs, Archbishops, and Bishops, was made to correspond with the various divisions of the Empire; and the ecclesiastic of chief eminence in each of these possessed authority, more or less extensive in proportion to that of the civil magistrate who presided over the same district. When the Reformation took place, the Episcopal form of government, with its various ranks and degrees of subordination, appearing to be most consistent with the genius of Monarchy, it was continued, with a few limitations, in several provinces of Germany, in England, and in the northern kingdoms. But in Switzerland, and some parts of the Low Countries, where the popular form of government allowed more full scope to the innovating genius of the Reformation, all pre-eminence of order in the church was destroyed, and an equality established more suitable to the spirit of republican policy. As the model of episcopal government was copied from that of the Christian church as established in the Roman Empire, the situation of the primitive church, prior to its establishment by civil authority, seems to have suggested the idea, and furnished the model of the latter system, which has since been denominated *Presbyterian*. The first

Christians, oppressed by continual persecutions, and obliged to hold their religious assemblies by stealth, and in corners, were contented with a form of government extremely simple. The influence of religion concurred with the sense of danger, in extinguishing among them the spirit of ambition, and in preserving a parity of rank, the effect of their sufferings, and the cause of many of their virtues. Calvin, whose decisions were received among many Protestants of that age with incredible submission, was the patron and restorer of this scheme of ecclesiastical policy. The church of Geneva, formed under his eye and by his direction, was deemed the most perfect model of this government; and Knox, who, during his residence in that city, had studied and admired it, warmly recommended it to the imitation of his countrymen.

VOL. I. Page 259, line 14, after posterity, add the following Note:

THIS expedient for terminating the difference between Elizabeth and Mary was so obvious, that it could not fail of presenting itself to the view of the English Ministers. "There hath been a matter secretly thought of (says Cecil, in a letter to Throckmorton, July 14, 1561), which I dare communicate to you, although I mean never to be an author thereof; and that is, if an accord might be made betwixt our Mistrefs and the Scottish Queen, that this should by Parliament
in

in Scotland, &c. surrender unto the Queen's Majesty all matter of claim, and unto the heirs of her body; and in consideration thereof, the Scottish Queen's interest should be acknowledged in default of heirs of the body of the Queen's Majesty. Well, God send our Mistress a husband, and by time a son, that we may hope our posterity shall have a masculine succession. This matter is too big for weak folks, and too deep for simple. The Queen's Majesty knoweth of it." Hardw. State Pap. i. 174. But with regard to every point relating to the succession, Elizabeth was so jealous, and so apt to take offence, that her most confidential Ministers durst not urge her to advance one step farther than she herself chose to go. Cecil, mentioning some scheme about the succession if the Queen should not marry or leave issue, adds, with his usual caution: "This song hath many parts; but, for my part, I have no skill but in plain song." Ibid. 178.

VOL. I. Page 262, line 10, after Queen, add the following Paragraph:

MARY, in a long conference with Throckmorton, the English ambassador in France, explained her sentiments concerning this ungenerous behaviour of his Mistress, in a strain of dignified expostulation, which conveys an idea of her abilities, address, and spirit, as advantageous as any transaction in her reign. Mary was, at that time, only in her eighteenth year;

and as Throkmorton's account of what passed in his interview with her, is addressed directly to Elizabeth*, that dexterous Courtier, we may be well assured, did not embellish the discourse of the Scottish Queen with any colouring too favourable.

WHATEVER resentment Mary might feel, it did not retard her departure from France.

* Cabbala, p. 374. Keith, 170, &c.

VOL. I. Page 263, line 15, after intercept her, add the following Note:

CAMDEN insinuates, rather than affirms, that it was the object of the English fleet to intercept Mary. This, however, seems to be doubtful. Elizabeth positively asserts, that at the request of the King of Spain she had fitted out a few ships of slender force, in order to clear the narrow seas of pirates, which infested them; and she appeals for the truth of this to Mary's own Ministers. App, No. VI. p. 329. Cecil, in a letter to Throkmorton, Aug. 26, 1561, informs him, that "the Queen's ships, which were upon the seas to cleanse them of pirates, saw her [i. e. Mary], and saluted her galleys, and staying her ships, examined them of pirates, and dismissed them gently. One Scottish ship they detain as vehemently suspected of piracy." Hard. State Papers, i. 176. Castelnau, who accompanied Mary in this voyage, confirms the circumstance of her galleys being in sight of the English fleet. Mem. ap. Jebb. xi. 455.

VOL. I. Page 268, line 6, instead of the paragraph beginning The Protestants, &c. and ending capital crime, insert as follows:

THE leaders of the Protestants, however, by this prudent compliance with the prejudices of their Sovereign, obtained from her a proclamation highly favourable to their religion, which was issued six days after her arrival in Scotland. The Reformed doctrine, though established over all the kingdom by the Parliament, which met in consequence of the treaty of pacification, had never received the countenance or sanction of royal authority. In order to quiet the minds of those who had embraced that doctrine, and to remove any dread of molestation which they might entertain, Mary declared, "that until she should take final orders concerning religion, with advice of Parliament, any attempt to alter or subvert the religion which she found universally practised in the realm, should be deemed a capital crime." Next year, a second proclamation to the same effect was published.—Keith, 510.

VOL. I. Page 367, line 3 from bottom, after horror, add the following Note:

IN the first accounts of Rizio's murder sent to England, there seem to have been mingled (as is usual in relating extraordinary events) some circumstances, which afterwards appeared to be false:

false: among others, that a Friar, named *Black*, had been slain at the same time with *Rizio*. Parkhurst Bishop of Norwich, in communicating this intelligence to his correspondent Bullinger, an eminent Reformed Divine of Zurich, expresses no condemnation of the murder of *Rizio*, and exults over the supposed death of the Friar, in terms which, in our times, will appear as shocking as they are puerile: "Fraterculus quidam, nomine *Black*, Papistarum antesignanus, eodem tempore in aula occiditur: Sic niger hic nebulo, nigra quoque morte peremptus, invitus nigrum subito descendit in Orcum." Burn. Hist. of Reform. iii. App. 360.

VOL. I. Page 369, line 6 from bottom, after power, add the following Note:

THE enterprising spirit of Bothwell was so conspicuous as to procure him several marks of distinction during his residence in France. Hardwicke's State Papers, i. 143. Throk Morton, the English ambassador at Paris, and one of the most sagacious Ministers employed by Elizabeth, points him out as a person who was to be dreaded and observed. "The Earl of Bothwell, says he in a letter, Nov. 28, 1560, is departed to return into Scotland, and hath made boast that he will do great things, and live in Scotland in despite of all men. He is a glorious, rash, and hazardous young man; and therefore it were meet that his adversaries should both have an eye to him, and also keep him short." Ibid. p. 149.

Vol. I. Page 211, line 18, instead of the paragraph beginning But the absolute dominion, &c. and ending obtained, insert what follows:

BUT the absolute dominion which Bothwell had acquired over Mary's mind, appeared in the clearest manner, by an act in favour of the Protestant religion, to which, at this time, she gave her assent. Mary's attachment to the Romish faith was uniform and superstitious; she had never laid aside the design, nor lost the hopes of restoring it. She had, of late, come under new engagements to that purpose, and, in consequence of these, had ventured upon some steps more public and vigorous than any she had formerly taken. But though none of these circumstances were unknown to Bothwell, there were powerful motives which prompted him, at this juncture, to conciliate the good-will of the Protestants, by exerting himself in order to procure for them some additional security in the exercise of their religion. That which they enjoyed at present, was very precarious, being founded entirely on the royal proclamation issued soon after the arrival of the Queen in Scotland, which, in express terms, was declared to be only a temporary regulation. From that period, neither the solicitations of the General Assemblies of the Church, nor the intreaties of her people, could extort from Mary any concession

sion in favour of the Protestant religion, on which the professors might rest with greater confidence. This, however, by the more powerful influence of Bothwell, they now obtained. An Act was passed in this Parliament, repealing all the laws, canon, civil, and municipal, adverse to the Reformed religion, and exempting such as had embraced it from the penalties to which they might have been subjected by these laws, either on account of their past conduct or present profession; declaring, at the same time, that their persons, estates, honours, and benefices, were taken under public protection against every court, civil or ecclesiastical, that might attempt to molest them on account of their religious sentiments. Thus the Protestants, instead of holding their sacred rights by no better tenure than a declaration of royal indulgence, which might be revoked at pleasure, obtained legal and parliamentary protection in the exercise of their religion. By prevailing on the Queen to assent to this law, Bothwell seems to have flattered himself that he would acquire such merit both with the clergy and with the people, as might induce them to favour his ambitious schemes, and to connive at what he had done, or might do, in order to accomplish them. The Protestants, accordingly, though this act was far from amounting to a legal establishment of the Reformed faith, seem to have considered it as an additional security of such importance, that it was published among the laws enacted in a Parliament held

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held towards the close of this year, under very different leaders *.

* I am indebted to the accuracy of Sir David Dalrymple, for pointing out (Remarks on the History of Scotland, ch. 9.) a considerable error into which I had fallen with respect to this act, by supposing it to be so favourable to the doctrine of the Reformation, that the Parliament which met Dec. 15, could substitute nothing stronger or more explicit in its place, and thought it sufficient to ratify it word for word. This error I have now corrected; but after considering the act with particular attention, though I am satisfied that it neither established the Reformed religion as the religion of the state, nor abolished Popery, yet it granted such new and legal security to the Protestants, as was deemed, in that age, an acquisition of great value. The framers of the law seem manifestly to have viewed it in that light; after reciting "that the Queen, since her arrival, had attempted nothing contrary to the state of religion, which she found publicly and universally standing, on which account she was most worthy to be served, honoured, and obeyed, &c." — the act goes on, "that as she intends to continue the same goodness and government in all times coming, the professors of the religion aforesaid may and shall have occasion to praise God for her happy and gracious government, &c. : and to the effect that the professors of the religion aforesaid may assure themselves to be in full surety thereof, and of their lands, lives, &c. and may with the better will jeopard and hazard their lives and goods in her Highness's service, against all enemies to her, and to the commonwell of this realm, &c. therefore our Sovereign, with the advice of the whole estates in Parliament, &c.": then follow the statutory clauses mentioned in the text. The intention of passing the act is apparent, and it is drawn with great art. This art is peculiarly manifest in the concluding clause. In her first proclamation the
Queen

Queen had declared, that it should continue in force only until she should take final order concerning religion with the advice of Parliament. In this act the intention of taking further order concerning religion is mentioned, probably with a view to please the Queen; but it is worded with such studied dexterity, that the protection granted by this law is no longer to be regarded as temporary, or depending upon the Queen's taking such final order. Parl. 1 K. J^z. VI. c. 31. In the same light of an important acquisition of security to the Reformed religion, this act is represented by the Privy Council in a proclamation issued May 23, 1567. Keith, 571. Mary's principal adherents, in a paper subscribed by them Sept. 12, 1568, declare, that she, "by the advice of the three estates, had satisfied the desire of the whole nobility in an act concerning all the points of religion passed in the Parliament held April 1567." Goodal, ii. 357. The same is asserted to be the intention and effect of this act in another public paper in the year 1570. Haynes, 621. From considering all these particulars, one need not wonder that a law "anent cassing (as its title bears), annulling and abrogating of all laws, acts, and constitutions, canone, civile, and municipal, with other constitutions, contrare to the religion now professit within the realme," confirmed by the royal assent of the Queen, should be published among the statutes securing the Protestant religion. We find accordingly, in a very rare edition of the acts of Parliament, imprintit at Edinburgh by Robert Lekprevik, printar to the King's Majestie, 6 day of April 1568, the act of April 19 inserted among the acts of the Regent's Parliament in December.

VOL. I. Page 419, line 3, *instead of the paragraph beginning Bothwell having now got, &c. and ending suspicious precipitancy; insert as follows:*

BOTHWELL having now got the Queen's person into his hands, it would have been unbecoming either a politician or a man of gallantry to have delayed consummating his schemes. The first step towards this was to have his marriage with Lady Jane Gordon, the earl of Huntly's sister, dissolved. In order to accomplish that, in a manner consistent with the ideas of the Queen on one hand, and with the sentiments of his countrymen on the other, two different processes became necessary: one founded on the maxims of the Canon law, the other accommodated to the tenets of the Reformed Church. Bothwell, accordingly, commenced a suit, in his own name, in the spiritual court of the Archbishop of St. Andrew's, the jurisdiction of which the Queen had restored by a special commission granted for this purpose, and pleaded that Lady Jane and himself being cousins within the prohibited degrees, and having married without a papal dispensation, their union was null from the beginning*. At the same time he prevailed with

Lady

* In her own time, it was urged as an aggravation of the Queen's guilt, that she gave her consent to marry the husband of another woman; and the charge has been often repeated since. But, according to Mary's own ideas, consonant to the principles of her religion, the marriage

Lady Jane to apply to the Protestant court of Commissaries for a divorce, on account of his having been guilty of adultery. The influence of Bothwell was of equal weight in both courts. In the course of four days, with the same indecent and suspicious precipitancy, the one declared the marriage to be illegal and null, the other pronounced a sentence of divorce*.

marriage of Bothwell with Lady Jane Gordon was unlawful and void, and she considered them as living together not in the hallowed bonds of matrimony, but in a state of criminal intercourse. Bothwell's addresses, which struck her Protestant subjects not only as indecent but flagitious, could not appear in the same light to her; and this may be pleaded in extenuation of the crime imputed to her of having listened to them. But it will not exempt her from the charge of great imprudence in this unfortunate step. Mary was well acquainted with the ideas of her subjects, and knew what they would think of her giving ear for a moment to the courtship of a man lately married under her own eye, in the church of her palace. Appendix, No. XXXI. p. 449. Every consideration should have restrained her from forming this union, which to her people must have appeared odious and shocking. Remarks on the History of Scotland, p. 199, &c.

* Anderf. i. 132. Append. No. XXXI. p. 449.

VOL. I. Page 437, line 16, after occasion, delete the rest of the paragraph to the word eluded, page 433, line 2, and insert as follows:

MARY, in her present condition, degraded from her throne, and covered with the infamy attending an accusation of such atrocious crimes, could be no longer the object of Elizabeth's jealousy, either as a woman, or as a Queen. Sympathy with a Sovereign in distress seems, for a moment, to have touched a heart not very susceptible of tender sentiments; and, while these were yet warm, she dispatched Throkmorton into Scotland, with power to negotiate both with the Queen and with the confederates. In his instructions there appears a remarkable solicitude for Mary's liberty, and even for her reputation; and the terms upon which she proposed to re-establish concord between the Queen and her subjects, appear to be so reasonable and well digested, as might have ensured the safety and happiness of both. Zealous as Throkmorton was to accomplish this, all his endeavours and address proved ineffectual. He found not only the confederate nobles, but the nation in general, so far alienated from the Queen, and so much offended with the indecent precipitancy of her marriage with the reputed murderer of her former husband, as to be incapable of listening to any proposition in her favour.

DURING the state of anarchy, occasioned by the imprisonment of the Queen, and the dissolution of the established government, which afforded

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such ample scope for political speculation, four different schemes had been proposed for the settlement of the nation. One, that Mary should be replaced upon the throne, but under various and strict limitations. The second, that she should resign the crown to her son, and retiring out of the kingdom, should reside, during the remainder of her days, either in England or in France. The third, that Mary should be brought to public trial for her crimes, and after conviction, of which no doubt was entertained, should be kept in perpetual imprisonment. The fourth, that after trial and condemnation, capital punishment should be inflicted upon her. Throckmorton, though disposed, as well by his own inclination as in conformity to the spirit of his instructions, to view matters in the light most favourable to Mary, informed his Court, that the milder schemes, recommended by Maitland alone, would undoubtedly be reprobated, and one of the more rigorous carried into execution.

In justification of this rigour, the confederates maintained that Mary's affection for Bothwell was still unabated, and openly avowed by her; that she rejected with disdain every proposal for dissolving their marriage; and declared, that she would forego every comfort, and endure any extremity, rather than give her consent to that measure. While these were her sentiments, they contended, that concern for the public welfare, as well as attention to their own safety, rendered it necessary to put it out of the Queen's power to restore a daring man, exasperated by recent injuries,

ries, to his former station, which must needs prove fatal to both. Notwithstanding their sollicitude to conciliate the good-will of Elizabeth, they foresaw clearly what would be the effect, at this juncture, of Throckmorton's interposition in behalf of the Queen, and that she, elated with the prospect of protection, would refuse to listen to the overtures which they were about to make to her. For this reason, they peremptorily denied Throckmorton access to their prisoner; and what propositions he made to them in her behalf they either refused or eluded*.

* Keith, 417. 427.

VOL. I. Page 472, line 10, after conduct, delete the rest of the paragraph to the end, at the word comply, and insert as follows:

SHE declared it to be far from her intention to claim any right of judging between Mary and her subjects, or of degrading her so far as to require that she should answer to their accusations. On the contrary, Murray and his associates were summoned to appear, in order to justify their conduct in treating their Sovereign so harshly, and to vindicate themselves from those crimes with which she had charged them. On her part, Elizabeth promised, whatever should be the issue of this inquiry, to employ all her power and influence towards replacing Mary on her throne, under a few limitations, by no means unreasonable. Mary, deceived by this seeming attention to her dignity as a Queen; soothed, on one

ADDITIONS, &c. TO THE

hand, by a promise more flattering than any which she had hitherto received from Elizabeth, and urged, on the other, by the feelings which were natural on being conducted into a more interior part of England, and kept there in more rigorous confinement, complied at length with what Elizabeth required, and promised to send commissioners to the conferences appointed to be held at York*.

* Anderf. iv. part i. p. 11, 12, &c. 109, &c. Haynes, 468, &c. State Trials, edit. Hargrave, i. 90.

VOL. I. Page 491, line 8, delete the sentence beginning Elizabeth having got, &c. and ending Scottish Queen, line 11, and insert as follows:

AS soon as Elizabeth got these into her possession, she laid them before her Privy Council, to which she joined, on this occasion, several noblemen of the greatest eminence in her kingdom; in order that they might have an opportunity of considering the mode in which an inquiry of such public importance had been hitherto conducted, as well as the amount of the evidence now brought against a person who claimed a preferable right of succession to the English crown. In this respectable assembly all the proceedings in the conferences at York and Westminster were reviewed, and the evidence produced by the Regent of Scotland against his Sovereign was examined with attention. In particular, the letters and other papers said to be written by the Queen of Scots, were carefully compared “for the manner
of

of writing and orthography," with a variety of letters which Elizabeth had received at different times from the Scottish Queen; and, as the result of a most accurate collation, the members of the Privy Council, and noblemen conjoined with them, declared that no difference between these could be discovered *. Elizabeth, having established a fact so unfavourable to her rival, began to lay aside the expressions of friendship and respect which she had hitherto used in all her letters to the Scottish Queen.

* Anderf. vol. iv. part ii. 170, &c.

VOL. II. Page 36, line 18, *after common cause, add,*

ENCOURAGED by this general disposition to place confidence in her, Elizabeth resumed a scheme which she had formed during the regency of the Earl of Murray, of sending Mary as a prisoner into Scotland. But her sentiments and situation were now very different from what they had been during her negociation with Murray. Her animosity against the Queen of Scots was greatly augmented, by recent experience of her inclination as well as power not only to disturb the tranquillity of her reign, but to wrest from her the crown; the party in Scotland favourable to Mary was almost entirely broken; there was no reason to dread any danger from France, which still continued to court her friendship. She aimed, accordingly, at something very different from that which she had in view three years before. Then she discovered a laudable solicitude not only for the safety of Mary's life,

but for securing to her, treatment suited to her rank. Now she required, as an express condition, that, immediately after Mary's arrival in Scotland, she should be brought to public trial; and having no doubt that sentence would be passed according to her deserts, she insisted that, for the good of both kingdoms, it should be executed without delay*. No transaction, perhaps, in Elizabeth's reign merits more severe censure. Eager to cut short the days of a rival, the object both of her hatred and dread, and no less anxious to avoid the blame to which such a deed of violence might expose her, she laboured, with timid and ungenerous artifice, to transfer the odium of it from herself to Mary's own subjects. The Earl of Mar, happily for the honour of his country, had more virtue than to listen to such an ignominious proposal; and Elizabeth did not venture to renew it.

* Murdin, 224.

VOL. II. Page 41, line 11, after inflame, add the following Note :

A STRIKING description of that species of eloquence for which Knox was distinguished, is given by one of his contemporaries, Mr. James Melville, Minister of Anstruther. " But of all the benefites I had that year [1571], was the coming of that most notable prophet and apostle of our nation, Mr. John Knox, to St. Andrews, who, by the faction of the Queen occupying

ing the castle and town of Edinburgh, was compelled to remove therefra with a number of the best, and chused to come to St. Andrews. I heard him teach there the prophecies of Daniel that summer and the winter following. I had my pen and little buik, and took away sic things as I could comprehend. In the opening of his text he was moderat the space of half an hour; but when he entered to application, he made me so to *grue* [thrill] and tremble, that I could not hald the pen to write.—He was very weak. I saw him every day of his doctrine go *bulie* [slowly] and fair, with a furring of marticks about his neck, a staff in the one hand, and good godlie Richart Ballanden holding him up by the oxter [under the arm] from the abbey to the parish kirk; and he the said Richart and another servant lifted him up to the pulpit, where he behoved to lean at his first entrie; but e're he was done with his sermon, he was so active and vigorous, that he was like to *ding the pulpit in blads* [beat the pulpit to pieces], and fly out of it." MS. Life of Mr. James Melville, belonging to Mr. Paton of the Custom-house, Edinburgh, p. 14. 21.

DISSERTATION on King HENRY's Murder.

Page 9, line 23, after Craigmillar, add,

6. **B**UT even if all this reasoning should be set aside, and the authenticity of the *Protestation* should be admitted in its full extent, it may

still be a question, what degree of credit should be given to the assertion of the two Earls, who were not only present in the first Parliament, held by Murray as Regent in December 1567, in which the one carried the sceptre, and the other the sword of state, Spotsw. 214. but were both members of the Committee of Lords of Articles, and in that capacity assisted in framing all the acts by which the Queen was deprived of the Crown, and her son seated on the throne; and in particular concurred in the act by which it was declared, that whatever had befallen the Queen, "was in her awin default, in sa far as, be divers hir previe letters written halelie with hir awin hand, and send by hir to James sometyme Erle of Bothwell, cheif executour of the said horribill murthour, as weill befoir the committing thair of as thair-aftir: And be hir ungodlie and dishonourabill proceeding to ane pretendit marriage with him, suddaindlie and unprovifitlie thaireftir, it is maist certane that sche was previe, airt and pairt, of the actual devise and deid of the foirnamit murthour of the King her lauchfull husband, and thairfoir justlie desirvis quahtsumever hes bene done to hir in ony tyme bygaine, or that sal be usit towards hir, for the said cause." Anderf. ii. 221.

DISSERTATION, Page 20, line 20, after also p. 44,

add,

IN all their negotiations with Throkmorton, the Confederates mention this unalterable attachment of the Queen to Bothwell, as a sufficient reason for rejecting his proposals of an accommodation with their Sovereign. Keith, 419. 449. This assertion they renewed in the conferences at York. Anders. iv. part ii. p. 66. Murray, in his interview with Mary in Lochleven, charged her with persisting in her inordinate affection to Bothwell. Keith, 446. All these, however, may be considered merely as accusations brought by the Confederates, in order to vindicate their rigour towards the Queen. But Throkmorton, who, by his residence in Edinburgh, and by his intercourse with the Queen's partizans, as well as with her enemies, had many opportunities of discovering whether or not Mary had expressed herself in such terms, and who was disposed to view her actions in the most favourable light, appears, by the passage which I have quoted from his letter of the 14th of July, to be persuaded that the Confederates had not misrepresented her sentiments. He had soon an opportunity of being confirmed with greater certainty in this opinion. Although the Confederates had refused him access to the captive Queen, he found means of holding a secret correspondence with her, and endeavoured to persuade her to give her consent to have her marriage with Bothwell dissolved by a sentence of divorce,

as the most probable means of regaining her liberty. She hath sent me word that she will in no wise consent unto that, but rather die. Append. to Vol. I. No. XXI. There is evidence of the continuance of Mary's attachment still more explicit. Lord Herries, in the parliament held the 15th of December 1567, acknowledged the Queen's inordinate affection to that wicked man, and that she could not be induced by persuasion to leave him; and that in sequestering her within Lochleven, the Confederates had done the duty of noblemen. App. to Vol. I. No. XXIII. In the year 1571 a conference was held by some deputies from a Convention of Clergy, with the Duke of Chatelherault, Secretary Maitland, Sir James Balfour, and Kirkaldy; and an account of it written by Mr. Craig, one of the Ministers of Edinburgh, is extant in Calderwood MS. Hist. ii. 244. In presence of all these persons, most of whom were in Edinburgh when the Queen was taken at Carberry, Maitland, who was now an avowed partizan of Mary, declares, that on the same night she was brought to Edinburgh, he himself had offered that if she would abandon Bothwell, she should have as thankful obedience as ever she had since she came to Scotland. But no wise would she consent to leave Bothwell. According to Sir James Melvil, the Queen found means of writing a letter to Bothwell on the evening of that day when she was conducted as a prisoner to Edinburgh, in which she declared her affection to him in the most tender expressions, and her resolution never to abandon him. This

letter, he says, was intercepted by the Confederates, and determined them to confine Mary in the castle of Lochleven. But as neither Buchanan nor Knox, both abundantly disposed to avail themselves of every fact and report that could be employed in order to represent Mary's conduct as improper and criminal, mention this letter; and as the Confederates themselves, in their negotiations with Throk Morton, as well as in their accusations of the Queen before the English Commissioners at York and Westminster, maintain the same silence with regard to it, I am satisfied that Melvil, who wrote his memoirs for the information of his son, in his old age, and long after the events which he records happened, has been mistaken with regard to this particular.

DISSERTATION, *Page 22, line 28, after Good. ii.*

154. delete 4. After the conferences, &c. to Good.

ii. 156. in page 23, line 13, and insert as follows:

NOR did Norfolk declare these to be his sentiments only in public official letters, he expressed himself in the same manner to his most confidential friends. In a secret conference with the Bishop of Ross at York, the duke informed him, that he had seen the letters, &c. which the Regent had to produce against the Queen, whereby there would be such matter proved against her, as would dishonour her for ever. *State Trials, edition of Hargrave, i. 91. Murdin, 52.* The Bishop of Ross, if he had known the letters to be
a noto-

a notorious forgery, must have been naturally led, in consequence of this declaration, to undeceive the Duke, and to expose the imposture. But, instead of this, the Duke and he and Lethington, after consulting together, agreed, that the Bishop should write to Mary, then at Bolton, and instruct her to make such a proposal to Elizabeth as might prevent the public production of the letters and other evidence. *State Trials*, i. 94. *Murdin*, 45. Indeed, the whole of this secret conference seems to imply, that Lethington, Ross, and Norfolk, were conscious of some defect in Mary's cause, and therefore exerted all their ingenuity in order to avoid a public accusation. *Murdin*, 52, 53. To Banister, whom the Duke seems to have trusted more entirely than any other of his servants, he expressed himself in similar terms with respect to the Queen of Scots. *State Trials*, i. 98. The words of Banister's evidence are remarkable: "I confess that I, waiting of my Lord and Master, when the Earl of Suffex and Mr. Chancellor of the Dutchy that now is, were in commission at York, did hear his Grace say, that upon examination of the matter of the murder, it did appear that the Queen of Scots was guilty and privy to the murder of Lord Darnly, whereby I verily thought that his Grace would never join in marriage with her." *Murdin*, 134. Elizabeth, in her instructions to the Earl of Shrewsbury and Beale in 1583, asserts, that both the Duke and Earl of Arundel did declare to herself, that the proof, by the view of her letters, did fall out sufficient against the Queen of Scots; however, they
were

were after drawn to cover her faults and pronounce her innocency. MS. Advoc. Library. A. iii. 28. p. 314. from Cot. Lib. Calig. 9. 4. A similar impression was made upon other contemporaries of Mary by the production of the letters, which implies a full belief of their being genuine. Cecil, in his correspondence with Sir Henry Norris, the English ambassador in France, relates this transaction in terms which leave no room to doubt with respect to his own private opinion. In his letter, Decem. 14th, 1568, the very day on which the letters, &c. were laid before the meeting of Privy Counsellors and Peers, he informs him, "that the Regent was driven, for his defence, to disclose a full fardel of the naughty matter, tending to convince the Queen as deviser of the murder, and the Earl of Bothwell as her executour; and now the Queen's party, so great, refuse to make any answer, and press that their Mistress may come in person to answer the matter herself, before the Queen's Majesty, which is thought not fit to be granted until the great blot of the marriage with her husband's murderer, and the evident charges, by letters of her own, to be deviser of the murder, be somewhat razed out or recovered; for that as the matters are exhibited against her, it is far unseemly for any Prince, or for chaste ears, to be annoyed with the filthy noise thereof; and yet, as being a Commissioner, I must and will forbear to pronounce any thing herein certainly, though as a private person I cannot but with horror and trembling think thereof." Cabala, 156. 5. From the correspondence

ence of Bowes, the English Resident in Scotland, with Walsingham in the year 1582, published towards the close of this Dissertation, it is manifest that both in England and Scotland, both by Elizabeth and James, both by the Duke of Lennox and Earl of Gowrie, the letters were deemed to be genuine. The eagerness, on one side to obtain, and on the other to keep possession of the casket and letters, implies that this was the belief of both. These sentiments of contemporaries, who were in a situation to be thoroughly informed, and who had abilities to judge with discernment, will, in the opinion of many of my readers, far outweigh theories, suppositions, and conjectures, formed at the distance of two centuries. 6. The letters were subjected to a solemn and judicial examination with respect to their authenticity, as far as that could be ascertained by resemblance of character and fashion of writing: For after the conferences at York and Westminster were finished, Elizabeth, as I have related, assembled her Privy Counsellors, and, joining to them several of the most eminent noblemen in her kingdom, laid before them all the proceedings against the Scottish Queen, and particularly ordered, that "the letters and writings exhibited by the Regent, as the Queen of Scots' letters and writings, should also be shewed, and conference [i. e. comparison] thereof made in their sight, with the letters of the said Queen's, being extant, and heretofore written with her own hand, and sent to the Queen's majesty; whereby may be searched and
examined

examined what difference is betwixt them." Good. ii. 252. They assembled accordingly at Hampton Court, December 14 and 15, 1568; and, "The originals of the letters supposed to be written with the Queen of Scots' own hand, were then also presently produced and perused; and being read, were duly conferred and compared, for the manner of writing, and fashion of orthography, with sundry other letters long since heretofore written, and sent by the said Queen of Scots to the Queen's Majesty. In collation whereof no difference was found." Good. ii. 256.

DISSERTATION, *Page 24, line ult. after Bothwell, add,*

8. **I**N opposition to all these reasons for believing the letters, &c. to be authentic, the conduct of the Nobles confederated against Mary, in not producing them directly as evidence against her, has been represented as an irrefragable proof of their being forged. According to the account of the Confederates themselves, the casket containing the letters was seized by them on the twentieth of June one thousand five hundred and sixty-seven; but the first time that they were judicially stated as evidence against the Queen was in a meeting of the Regent's Privy Council, December fourth, and they afterwards served as the foundation of the acts made against her in the Parliament held on the fifteenth of the same month. If the letters had been genuine, it is contended, that the obtaining possession of them
must

must have afforded such matter of triumph to the Confederates, that they would instantly have proclaimed it to the whole world; and in their negociations with the English and French Ministers, or with such of their fellow-subjects as condemned their proceedings, they would have silenced, at once, every advocate for the Queen, by exhibiting this convincing proof of her guilt. But in this reasoning sufficient attention is not paid to the delicate and perilous situation of the Confederates at that juncture. They had taken arms against their Sovereign, had seized her person at Carberry-hill, and had confined her a prisoner in Lochleven. A considerable number, however, of their fellow-subjects, headed by some of the most powerful noblemen in the kingdom, was combined against them. This combination, they soon perceived, they could not hope to break or to vanquish without aid either from France or England. In the former kingdom, Mary's uncles the Duke of Guise and Cardinal of Lorraine were, at that period, all-powerful, and the King himself was devotedly attached to her. If the Confederates confined their views to the dissolution of the marriage of the Queen with Bothwell, and to the exclusion of him for ever from her presence, they might hope, perhaps, to be countenanced by Charles IX. and his Ministers, who had sent an envoy into Scotland of purpose to dissuade Mary from that ill-fated match; Append. No. XXI. whereas the loading her publicly with the imputation of being accessary to the murder of her husband, would

would be deemed such an inexpiable crime by the court of France, as must cut off every hope of countenance or aid from that quarter. From England, with which the principal Confederates had been long and intimately connected, they had many reasons to expect more effectual support; but, to their astonishment, Elizabeth condemned their proceedings with asperity, warmly espoused the cause of the captive Queen, and was extremely solicitous to obtain her release and restoration. Nor was this one of the artifices which Elizabeth often employed in her transactions with Scotland. Though her most sagacious Ministers considered it as the wisest policy to support the confederate Lords rather than the Queen of Scots, Elizabeth disregarded their counsel*. Her high notions of royal authority, and of the submission due by subjects, induced

* This was the opinion of Throckmorton, as appears from an extract of his letter of July 11th, published in the Append. No. XXI. The same were the sentiments of Cecil, in his letter of Aug. 19th, 1567, to Sir Henry Norris, Elizabeth's ambassador to France, "You shall perceive, says he, by the Queen's letter to you, at this present, how earnestly she is bent in favour of the Queen of Scots, and truly since the beginning she hath been greatly offended with the Lords; and, howsoever her Majesty might make her profit by bearing with the Lords in this action, yet no counsel can stay her Majesty from manifesting her misliking of them." Cabala, 140. And in his letter of Sept. 3d, "The Queen's Majesty, our Sovereign, remaining still offended with the Lords for the Queen; the example moveth her." Ib. 141. Digges Comp. Amb. 14.

ADDITIONS, &c. TO THE

her, on this occasion, to exert herself in behalf of Mary, not only with sincerity but with zeal; she negotiated, she solicited, she threatened. Finding the Confederates inflexible, she endeavoured to procure Mary's release by means of that party in Scotland which continued faithful to her, and instructed Throckmorton to correspond with the leaders of it, and to make overtures to that effect. Keith, 451. App. No. XXII. She even went so far as to direct her ambassador at Paris, to concert measures with the French King how they, by their joint efforts, might persuade or compel the Scots to "acknowledge the Queen her good sister to be their Sovereign Lady and Queen, and renounce their obedience to her son." Keith, 462, 3, 4. From all these circumstances, the Confederates had every reason to apprehend that Mary would soon obtain liberty, and by some accommodation be restored to the whole, or at least to a considerable portion of her authority as Sovereign. In that event they foresaw, that if they should venture to accuse her publicly of a crime so atrocious as the murder of her husband, they must not only be excluded for ever from power and favour, but from any hope of personal safety. On this account they long confined themselves to that which was originally declared to be the reason of their taking arms; the avenging the King's death, the dissolving the marriage with Bothwell, the inflicting on him condign punishment, or banishing him for ever from the Queen's presence. It appears from the letters of Throckmorton, published by Bishop Keith, and

and in my Appendix, that his sagacity early discovered that this would be the tenor of their conduct. In his letter from Edinburgh, dated July 14th, he observes, that "they do not forget their own peril conjoined with the danger of the Prince, but, as far as I perceive, they intend not to touch the Queen either in surety or in honour; for they speak of her with respect and reverence, and do affirm, as I do learn, that, the condition aforesaid accomplished [i. e. the separation from Bothwell], they will both put her to liberty, and restore her to her estate." Append. No. XXI. His letter of August 22d, contains a declaration made to him by Lethington, in name and in presence of his associates, "that they never meant harm neither to the Queen's person nor to her honour—that they have been contented hitherto to be condemned, as it were, of all Princes, strangers, and, namely, of the Queen of England, being charged of grievous and infamous titles, as to be noted rebels, traitors, seditious, ingrate and cruel, all which they suffer and bear upon their backs, because they will not justify themselves, nor proceed in any thing that may touch their Sovereign's honour. But in case they be with these defamations continually oppressed, or with the force, aid, and practices of other Princes, and namely of the Queen of England, put in danger, or to an extremity, they shall be compelled to deal otherwise with the Queen than they intend, or than they desire; for, added he, you may be sure we will not lose our lives, have our lands forfeited, and be reputed rebels through the

world, seeing we have the means to justify ourselves." Keith, 448. From this view of the slippery ground on which they stood at that time, their conduct in not producing the letters for several months, appears not only to have been prudent but essential to their own safety.

BUT, at a subsequent period, when the Confederates found it necessary to have the form of government which they had established, confirmed by authority of Parliament, a different mode of proceeding became requisite. All that had hitherto been done with respect to the Queen's dismissal, the seating the young King upon the throne, and the appointment of a Regent, was in reality nothing more than the deed of private men. It required some exhibition of some legal evidence to procure a constitutional act giving the sanction of its approbation to such violent measures, and to obtain "a perfect law and security for all them that either by deed, counsel, or subscription, had entered into that cause since the beginning." Haynes, 453. This prevailed with the Regent and his secret counsel, after long deliberation, to agree to produce all the evidence of which they were possessed; and upon that production Parliament passed the acts which were required. Such a change had happened in the state of the kingdom as induced the Confederates to venture upon this change in their conduct. In June, a powerful combination was forming against them under the leading of the Hamiltons. In December, that combination was broken; most of the members of it had acknowledged the
King

King as their lawful Sovereign, and had submitted to the Regent's government. Huntly, Argyll, Herries, the most powerful nobleman of that party, were present in the Parliament, and concurred in all its acts. Edinburgh, Dunbar, Dunbarton, and all the chief strong holds in the kingdom, were now in the hands of the Regent; the arms of France had full occupation in its civil war with the Hugonots. The ardour of Elizabeth's zeal in behalf of the captive Queen seems to have abated. A step that would have been followed with ruin to the Confederates in June, was attended with little danger in December. From this long deduction it appears, that no proof of the letters being forged can be drawn from the circumstance of their not having been produced immediately after the twentieth of June; but though no public accusation was brought instantly against the Queen, in consequence of seizing the casket, hints were given by the Confederates, that they possessed evidence sufficient to convict her. This is plainly implied in a letter of Throkmorton, July 21st, Keith, Pref. p. xii. and more clearly in the passage which I have quoted from his letter of August 22. In his letter of July 25, the papers contained in the casket are still more plainly pointed out. "They [i. e. the Confederates] say, that they have as apparent proof against her as may be, as well by the testimony of her own hand-writing, which they have recovered, as also by sufficient witnesses." Keith, 426.

DISSERTATION, Page 35, line 19, after already examined, add,

THESE proofs may be classed under two heads.

1. The erroneous and contradictory accounts which are said to be given of the letters, upon the first judicial production of them. In the Secret Council held Decem. 4, 1567, they are described "as her privie letters written and subscrivit with her awin hand." Haynes, 454. Good. ii. 64. In the act of parliament, passed on the 15th of the same month, they are described as "her privie letters written halelie with hir awin hand." Good. ib. 67. This diversity of description has been considered as a strong presumption of forgery. The manner in which Mr. Hume accounts for this is natural and plausible, vol. v. p. 498. And several ingenious remarks, tending to confirm his observations, are made in a pamphlet lately published, intitled, *Miscellaneous Remarks on the Enquiry into the Evidence against Mary Queen of Scots*. To what they have observed it may be added, that the original act of Secret Council does not now exist; we have only a copy of it found among Cecil's papers, and the transcriber has been manifestly so ignorant, or so careless, that an argument founded entirely upon the supposition of his accuracy is of little force. Several errors into which he has fallen, we are enabled to point out, by comparing his copy of the act of Secret Council with the act of Parliament passed in consequence

consequence of it. The former contains a petition to Parliament; in the latter the real petition is resumed *verbatim*, and converted into a law. In the copy, the Queen's marriage with Bothwell is called "a priveit marriage," which it certainly was not; for it was celebrated, after proclamation of banns, in St. Giles's church three several days, and with public solemnity; but in the act it is denominated "ane pretendit marriage," which is the proper description of it according to the ideas of the party. In the copy, the Queen is said "to be so thrall and *bludy* affectionat to the privat appetite of that tyran," which is nonsense, but in the act it is "blindly affectionat." In the copy, it is said, "all nobill and virtuous men abhorring their *traine* and company." In the act, "their tyrannie and companie," which is evidently the true reading, as the other has either no meaning, or is a mere tautology. 2. The other proof of the forgery of the letters, is founded upon the impossibility of reconciling the account, given of the time when, and the places from which, the letters are supposed to have been written, with what is certainly known concerning the Queen's motions. According to the paper published, Andersf. ii. 269. which has been called Murray's Diary, and which is formed upon the authority of the letters.

DISSERTATION, Page 42, line 9, after approbation, add,

WITH respect to the Sonnets, Sir David Dalrymple has proved clearly, that they must have been written after the murder of the King, and prior to Mary's marriage with Bothwell. But as hardly any part of my narrative is founded upon what is contained in the Sonnets, and as in this Dissertation I have been constrained to dwell longer upon minute and verbal criticisms, than may be interesting or agreeable to many of my readers, I shall rest satisfied with referring, for information concerning every particular relative to the Sonnets, to *Remarks on the History of Scotland*, Chap. XI.

THE END.

